

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

ERIC COOK

Case No.

14- 1239-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 12, 2013 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. Sections 922(g)(1),
 924(e)

Offense Description

On or about December 12, 2013, in Philadelphia, in the Eastern District of Pennsylvania, defendant ERIC COOK, having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a CZ 40B .40 caliber semi-automatic pistol, serial number A4348, loaded with ten rounds of ammunition.

This criminal complaint is based on these facts:

See attached affidavit.

☐ Continued on the attached sheet.


Complainant's signature

Clinton J. Chlebowski, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/02/2014


Judge's signature

City and state: Philadelphia, Pennsylvania

Hon. LINDA K. CARACAPPA, U.S. Magistrate

Printed name and title

AFFIDAVIT

I, Clinton J. Chlebowski, Special Agent with the Federal Bureau of Investigation, being duly sworn, do depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed for the past nine years. During this time period I have been assigned to the Philadelphia FBI Violent Drug and Gang Task Force and have investigated robberies, assaults, frauds, firearms violations, narcotics violations and other crimes. I have been the affiant for and participated in the execution of numerous search and arrest warrants.
2. I am currently assigned to the investigation of ERIC COOK for his alleged illegal possession of a firearm. The facts set forth in this affidavit are not all those known to me, simply those necessary to establish probable cause for the arrest of ERIC COOK.
3. On 12/12/2013, at approximately 7:30 p.m., uniformed officers of the Philadelphia Police Department (PPD), Police Officer (P/O) Washington #2547 and P/O Harris #3827, observed a red Lincoln Town Car bearing Pennsylvania license plate JKK-5702 traveling southbound on Broad Street with inoperable brake lights. The officers activated their lights and sirens and indicated for the vehicle to pull over, at which time the vehicle pulled into a parking lot at Broad Street and Glenwood Avenue. As the police vehicle pulled in behind COOK's vehicle, COOK's vehicle went into reverse and lightly struck the police vehicle. The police officers exited and approached the vehicle on foot. COOK was asked for a driver's license and vehicle registration but was unable to produce a driver's license. COOK was the sole occupant of the vehicle and was observed to be noticeably nervous with his hands visibly shaking. COOK stated that he did not have a license and was asked by officers to step outside of the car. After COOK exited the vehicle, officers observed what appeared to be the partial butt end of a gun slightly extending beyond the cover provided by the driver's seat. The partially visible gun was recovered from under the driver's seat and COOK was placed under arrest. The gun was determined to be a black CZ 40B .40 handgun loaded with a magazine and 10 live rounds, with serial number A4348 and was placed on PPD property receipt #3116213.
4. On 12/12/2013, COOK was subsequently charged with three Violations of the Uniform Firearms Act (VUFA), including the charge of "person not authorized to possess, use, manufacture, control, sell or transfer firearms." COOK was also issued two traffic citations for inoperable brake lights and for driving without a valid driver's license.
5. On 02/03/2014, a PPD Firearms Identification Unit Laboratory Report was prepared for the handgun recovered at the time of COOK's arrest. According to the report, the handgun is a Czechoslovakian made handgun and is stamped "MADE IN CZECH REPUBLIC" and "CZ-USA KANSAS CITY, KS." The report also indicates that a Philadelphia Police firearms examiner test-fired the pistol and found that it was operable.
6. On 10/29/2014, all VUFA charges against COOK were nolle prossed/withdrawn.

7. On 12/01/2014 your affiant reviewed COOK computerized criminal history. COOK has four prior felony convictions. On 02/25/1999, COOK was convicted of robbery and sentenced to imprisonment for a period of 11 months and 15 days to 23 months. On 04/05/1999, COOK was convicted of aggravated assault, simple assault and VUFA charges and sentenced to imprisonment for a period of 18 months to five years. On 08/25/2004, COOK was convicted of the charges of manufacture/delivery of or possession with intent to manufacture/deliver a controlled substance, and knowingly and intentionally possessing a controlled substance, and was sentenced to imprisonment for a period of 18 to 36 months. On 05/14/2008, COOK was arrested by the Bureau of Alcohol, Tobacco, Firearms and Explosives and charged with violations of Title 18 U.S.C. Sections 922(g)(1) and 924(e), that is being a convicted felon in possession of a firearm, and was sentenced in the United States District Court for the Eastern District of Pennsylvania on 04/19/2010 to 70 months' imprisonment and three years' supervised release (Criminal No. 08-235-01).

Based on the above facts, your affiant believes that there is probable cause to believe that on 12/12/2013, ERIC COOK possessed a firearm after having been convicted of a crime punishable by imprisonment for a term exceeding one year, specifically the aforementioned CZ 40B .40 caliber semi-automatic handgun, in violation of Title 18 U.S.C. §§ 922(g)(1) and 924(e), and as such a warrant should be issued for his arrest.

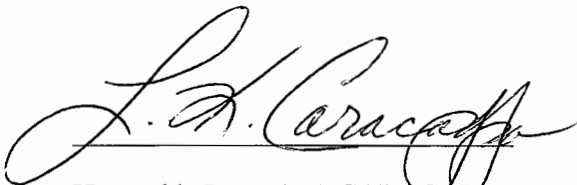


Clinton J. Chlebowsky

Special Agent

Federal Bureau of Investigation

Sworn before me this 2nd day of December 2014,



Honorable LINDA K. CARACAPPA

United States Magistrate Judge